IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.8795 of 1999

S.T.Ramachandran .. Petitioner

vs.

1. The Special Tahsildar,
   Adi Dravidar Welfare,
   Vellore Taluk, Vellore District

2. The District Collector,
   Vellore District, Vellore .. Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to forbear the first respondent from interfering with the peaceful possession and enjoyment of the petitioner's land (House Site) in Survey No.56/1 of an extent of 4 cents in Sampankinallur Village, Alamelumangapuram Post, Vellore Taluk, without due process of law.

For petitioner : Mr.D.Rajagopal
For respondents : Mr.V.Manoharan
Government Advocate

O R D E R

Heard Mr.D.Rajagopal, the learned counsel appearing for the petitioner and Mr.V.Manoharan, the learned Government Advocate appearing for the respondents.

2. It is submitted that the petitioner is the owner of 4 cents of land in S.No.86/1 of Sampankinallur Village having purchased the same from Natesan Mudaliar and others, on 4.5.1983. From the date of purchase, the petitioner has been in possession and enjoyment of the property. Since the said land is a House Site, the petitioner is living in a hut put up on the said land.

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3. It is also submitted that due to enmity between the petitioner and some others of the said Village, an application had been submitted to the first respondent requesting the first respondent to acquire the land belonging to the petitioner.

4. It is also submitted that on 29.4.1999, the first respondent, along with other Officials, had come to the House of the petitioner and had threatened him asking him to vacate the House immediately. Though the petitioner had requested the Officials concerned not to interfere with the peaceful possession and enjoyment of his property, the petitioner apprehends that the respondents would continue to interfere with the peaceful possession and occupation of the said premises. In such circumstances, the present writ petition has been filed.

5. The learned Government Advocate appearing for the respondents had submitted that it is only on a mere apprehension the petitioner had come before this Court by filing the present writ petition. Therefore, this Court ought not to grant the relief as prayed for by the petitioner.

6. The learned Government Advocate appearing for the respondents had further submitted that if any action is to be taken by the respondents to acquire the petitioner's land, it would be done only in accordance with the procedure established by law and by following the principles of natural justice.

7. Considering the submissions made by the learned counsels appearing for the petitioner as well as for the respondents, this Court is of the considered view that the apprehension of the petitioner that the respondents would acquire the petitioner's property without adhering to the due procedure established by law is ill-founded. It is only a mere apprehension and there is no substance in the claims made by the petitioner. It is well settled that the relief, under Article 226 of the Constitution of India, cannot be granted on a mere apprehension of the petitioner, unless it is supported by sufficient evidence. In the present case, no such evidence is forthcoming and it is clear that the writ petition has been preferred by the petitioner only on a mere apprehension that the respondents would acquire the petitioner's property without following the due procedure established by law. In such circumstances, this Court is constrained to hold that the petitioner

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has not shown sufficient cause or reason to grant the reliefs, as prayed for. Hence, the writ petition stands dismissed.

Lan

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To:
1. The Special Tahsildar
   Adi Dravaidar Welfare
   Vellore Taluk, Vellore District

2. The District Collector,
   Vellore District, Vellore

1 cc to the Government Pleader, SR.67653

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dv/30.11.

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